

REMARKS

Restriction

Claims 10-13, 20, 21, 23 and 24 are all directed to Species II from the April 3, 2008 office action and are withdrawn. Claims 1-9, 18-19 and 22 read on elected Species I and remain in this application and are submitted for reconsideration.

Claim amendment

Claim 1 is amended to overcome the Section 112, ¶ 2 rejection. The § 112 rejection is discussed below.

§ 112 Rejections

A. 35 U.S.C. § 112 ¶ 2

The Examiner rejected claims 1-9, 18, 19 and 22 as failing to particularly point out and distinctly claim the invention. The Examiner contends that the language “optically-controlled transport system for translating the carrier” is unclear as it does not state whether or not any devices need to provide the optical control.

Applicants request reconsideration and withdrawal of the rejection. The claim has been amended to delete the phrase “optically-controlled” and instead to recite: “a transport system for translating the carrier within the carrier and test device processing subsystem, the transport system including one or more optical sensors sensing the position of the carrier within the carrier and test device processing subsystem”. By this amendment, the significant component that provides the optical control for the transport system is explicitly recited, namely optical sensors

that sense the position of the carrier. The claim is sufficiently clear to the person skilled in the art, namely it includes (a) a transport system that translates the carrier within the carrier and test device processing subsystem, and (b) the transport system includes one or more optical sensors that sense the position of the carrier. Accordingly, since the claim clearly apprises the person skilled in the art of the scope of the claim, it meets the requirements of 35 U.S.C. § 112 ¶ 2.

B. 35 U.S.C. § 112 ¶ 1

The Examiner rejected claims 1-9, 18, 19 and 22 as failing to comply with the written description requirement insofar as the specification was alleged to not support the “optically controlled transport system . . .” language.

Applicants again request reconsideration and withdrawal of the rejection.

The applicants have deleted the “optically-controlled” phrase. The claim requires two elements, and they are described in the specification as follows:

1. “a transport system for translating the carrier within the carrier and test device processing subsystem” See generally, transport system 1000, specification at page 16 lines 13-16; page 23 line 22-page 24 line 8; detailed description at page 39, line 1 to page 42, Figures 17, 18, 19, 20, and 29-33. The transport system 1000 shown in Figures 18, 19 and 20 functions to move the carrier 200 through the carrier and test device processing subsystem 50 as explained at the text bridging pages 23 and 24 and in detail at pages 39-42.


2. “the transport system including one or more optical sensors sensing the position of the carrier within the carrier and test device processing subsystem”: The optical sensors are

described as sensor 1040, Figure 17, page 40 lines 6-8, three optical interrupt sensors 1050A, 1050B and 1050C, Figures 29-30, page 41 lines 2-6; page 42 lines 5-12 which read the rib 214 and notches 212 formed on the bottom of the carrier (Figure 8) ("the sensors 1050 A-C allow the carrier's position to be continuously monitored"); see page 21 lines 14-22.

Therefore, the rejections under 35 U.S.C. § 112 should be withdrawn.

Favorable reconsideration and allowance of the application is requested.

McDonnell Boehnen Hulbert & Berghoff LLP

Date: Feb 5, 2009 by: 
Thomas A. Fairhall
Reg. No. 34591

Certificate of mailing

The undersigned hereby certifies that the foregoing Amendment is being deposited as Express Mail, postage prepaid, in an envelope addressed to Mail Stop Petition, Commissioner for Patents, PO Box 1450 Alexandria VA 22313-1450 on this 5th day of February, 2009.



Thomas A. Fairhall